

Exhibit B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
KIARA NAZAIRE,
:

Plaintiff,
:

v.
:

JERSEY SHORE NURSING AGENCY
INCORPORATED d/b/a JERSEY SHORE
STAFFING AGENCY, INC., and ST.
BARNABAS HOSPITAL,
:

Defendants.
:
----- x

**DECLARATION
OF GENNADY KUZIN
IN SUPPORT OF ST. BARNABAS
HOSPITAL’S MOTION FOR
SUMMARY JUDGMENT**

Case No. 1:24-CV-05022-AMD-PK

GENNADY KUZIN declares under the penalties of perjury and pursuant to 28 U.S.C. § 1746 that:

1. I am the Director of Perioperative Services at St. Barnabas Hospital (the “Hospital”). I make this declaration based on my personal knowledge and a review of documents maintained in the regular course of the Hospital’s operations.

2. In my capacity as Director of Perioperative Services, I oversee several departments at the Hospital. These departments are the Operating Room (“OR”), Recovery, Central Sterile, Ambulatory Surgery, and Gastroenterology. I also oversee the staffing of these various departments.

3. I respectfully submit this declaration in support of the Hospital’s motion for summary judgment dismissal of plaintiff Kiara Nazaire’s (“Plaintiff”) Complaint in its entirety as against the Hospital.

The Hospital

4. The Hospital is the central component of the SBH Health System (“SBH”), located in the South Bronx.

5. The Hospital is the primary clinical affiliate of the CUNY School of Medicine, and offers acute clinical services across multiple medical specialties, including internal medicine, pediatrics, ob/gyn, dentistry, and surgery.

6. Since the 1990s, the Hospital has received state designation as a Level 2 Trauma Center, an AIDS Center and Stroke Center, and opened a federally designated Community Center of Excellence in Women's Health.

7. Today, the Hospital – and the wider SBH system – plays a pivotal role as a safety net Hospital serving one of the poorest areas in the United States.

8. The Hospital boasts a world-renowned surgical team, featuring experts in a variety of specialties, and regularly performs both inpatient and outpatient surgery, ranging from general surgery to more specialized procedures daily.

9. Due to the high volume of daily surgical cases, the Hospital requires a well-staffed clinical team to work in its surgical suites.

10. As such, the Hospital employs full-time, part-time, and per-diem employees, including nurses and surgical technologists, to assist its surgeons and anesthesiologists. The Hospital also utilizes the services of temporary staff placed at the Hospital by various staffing agencies.

**The Hospital's Relationship With
Defendant Jersey Shore Nursing Agency, Inc.**

11. One of the staffing agencies that the Hospital works with is Jersey Shore Nursing Agency, Inc. ("JSNA").

12. It is my understanding that the Hospital and JSNA have a contract under which JSNA provides the Hospital with temporary medical and surgical staff.

13. The temporary staff are employed directly by JSNA.

14. As part of this agreement, JSNA bills the Hospital on a weekly basis for services provided by JSNA employees and the Hospital pays JSNA for the services provided by the JSNA's employees.

15. JSNA then pays its employees for work they perform at the Hospital.

16. When there is a need for temporary staff, I would inform Lorraine Russell, the owner of JSNA.

17. Ms. Russell would then present the opening at the Hospital to suitable candidates employed by JSNA.

18. If a JSNA employee was interested in the temporary placement at the Hospital, I would conduct an interview with that individual to see if they were a good fit for the OR.

19. I would then request that JSNA place the staff member at the Hospital on a temporary basis.

**The Onboarding Process For JSNA
Employees Placed At the Hospital**

20. The onboarding process for a JSNA employee to be placed at the Hospital takes approximately four (4) weeks. All the onboarding documents and records are kept by JSNA.

21. In fact, JSNA creates personnel files for its employees. Those personnel files are then provided to SBH as a courtesy.

22. JSNA – not the Hospital – also conducts background checks for its employees prior to them being placed at the Hospital.

Role of Surgical Technologists At The Hospital

23. Surgical technologists play a vital role in the OR with respect to pre-op, intra-op, and post-op tasks.

24. Among other tasks, surgical technologists prepare operating room and equipment, sterilize instruments and supplies, and assist with patient positioning and draping. Surgical technologist also pass surgical instruments and help maintain a sterile field.

25. After surgery, the surgical technologists assist with wound closure, count sponges and instruments, and clean and store equipment. As such, surgical technologists play a critical role in insuring patient safety during surgeries by ensuring compliance with safety and sanitary procedures.

26. Said differently, the presence of surgical technologists in the surgical suite is necessary to avoid any adverse patient health outcomes.

27. JSNA-employed technologists perform the same roles as Hospital-employed technologists.

28. The Hospital does not perform formal evaluations for JSNA-employed staff.

29. Rather, those evaluations are carried out, to my knowledge, by JSNA itself.

Scheduling of Surgical Technologists

30. As Director of Perioperative Services, I make up a schedule for assignments in the OR on a monthly basis. This schedule includes both Hospital-employed staff and JSNA-employed staff.

31. In particular, surgical technologists are assigned to work either a morning shift, an afternoon shift, or a night shift. Once JSNA-employed staff is assigned to work a particular shift, that shift does not change. That said, the days that JSNA-employed staff are scheduled to work vary each week.

32. The Hospital employs a charge nurse who is involved with the daily operations of the OR and is primarily responsible for assigning nurses and surgical technologists to their respective surgical suites.

33. If a surgical technologist needs to call out for an assignment, they call the front desk in the OR and inform the person assigned to the desk they will be absent for their upcoming shift.

34. The person at the front desk will then document the absence.

35. Once I arrive at the OR, I look to see how many callouts there are and try to fill the gaps in the schedule and ensure adequate staffing for the OR.

36. It is critical that staff who are assigned to the OR complete their shifts. This is particularly important for staff who are assigned to work the morning shift, when the OR is most busy.

37. As such, staff failing to report to their assigned shifts poses a logistical problem for the OR.

38. This is because the Hospital is committed to ensuring that surgeries that are scheduled are completed, as patients often fast the night before and take off from work. It is a disservice to them if the Hospital must cancel and reschedule a surgery they had already been planned.

39. The Hospital does not require JSNA-employed staff to give a reason why they are calling out, nor do I look to find out the reason.

40. Rather, I simply work to ensure that every surgery scheduled for a particular day is adequately staffed. This involves, among other things, trying to get staff who are not scheduled that day to come in and cover the staffing shortages.

Plaintiff Kiara Nazaire

41. JSNA placed Plaintiff at the Hospital sometime in May 2023 for a thirteen (13) week placement.

42. Plaintiff's placement at the Hospital was extended in August 2023 and again in December 2023.

43. Plaintiff was required to work three (3) 12-hour shifts per week, from 7:00 AM to 7:00 PM.

44. As with all JSNA-employed staff, the days that Plaintiff was scheduled to work varied each week.

45. While the Hospital set Plaintiff's schedule and determined what surgical suites she would be assigned to, the Hospital had no authority to discipline her, provide her with performance evaluations, or set her rate and method of pay.

46. Moreover, the Hospital did not provide Plaintiff with health insurance or any other kind of employment benefits.

47. Indeed, if the Hospital had any kind of issue or problem with Plaintiff (or any other JSNA-employed temporary staff for that matter) the only recourse the Hospital had was to speak with Ms. Russell.

48. The Hospital did, however, reserve the right to request a different staff placement to fill a position.

**Plaintiff's Attendance Issues
Necessitated The Hospital Asking
JSNA For A New Temporary Staff Placement**

49. During Plaintiff's first two placements at the Hospital, her performance was adequate.

50. Beginning in early February 2024, however, Plaintiff began leaving work early or calling out of her assigned shifts all together. Plaintiff's attendance issues caused logistical difficulties for the Hospital, as I had to find other staff to cover her shifts on short notice and to ensure that each surgery that was scheduled was adequately staffed.

51. Between early February 2024 and March 27, 2024, Plaintiff failed to work her required three-day work week (a minimum of 33 hours per week) five times. A copy of Plaintiff's timecard from January 2024 to March 2024 is attached here as Exhibit A.

52. Specifically, Plaintiff failed to work a full day on:

- February 9, 2024 (left work approximately five hours early);
- February 15, 2024 (did not work at all);
- February 27, 2024 (left work approximately 10.5 hours early);
- March 14, 2024 (did not work at all);
- March 15, 2024 (did not work at all); and
- March 21, 2024 (clocked in a half an hour late and then left work approximately 6.5 hours early).

See Exhibit A.

53. JSNA and/or Plaintiff never informed me of the reasons why Plaintiff was not showing up for her scheduled shifts, or why she had to leave early.

54. On March 21, 2024, I had a discussion with Ms. Russell regarding Plaintiff's failure to meet her weekly hours' requirement and a potential replacement JSNA-employed surgical technologist to work from 7:00 AM to 7:00 PM.

55. Plaintiff failed to work her scheduled shift on March 26, 2024. *See Exhibit A.*

56. The next day, I emailed Ms. Russell to formally request a replacement surgical technologist from JSNA. A copy of my March 27, 2024 email to Ms. Russell is attached here as Exhibit B.

57. To be clear, my request to JSNA pertained solely to my request that JSNA provide the Hospital with a replacement surgical technologist due to Plaintiff failing to meet her required hours.

58. I did not speak with Ms. Russell about what I would like to see happen with Plaintiff once her placement with the Hospital ended.

59. I also did not seek or request the termination of Plaintiff's *employment* with JSNA, nor did anyone else at the Hospital.

60. As I explained at my deposition, no one at the Hospital has any authority over JSNA and cannot dictate what decisions it makes with respect to its employees.

Conclusion

For the reasons set forth above, as well as in the Hospital's accompanying motion papers, the Hospital respectfully requests that its motion for summary judgment be granted in its entirety.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 28, 2025



GENNADY KUZIN

Exhibit A

1 Employee(s) Selected

[illegible]

[illegible]

[illegible]

Date	Pay Code	Amount	In	Transfer	Out	In	Transfer	Out	Schedule	Daily	Period
Sat 3/30											189:13
Sun 3/31											189:13

Totals

All All

Account	Pay Code	Amount	Wages
ASB/-/Jersey Shore Staffing INC/16490N/-/-/-	Per Diem	130:00	\$0.00
ASB/-/Jersey Shore Staffing INC/16490N/-/-/-	Per Diem	60:18	\$0.00
ASB/-/Jersey Shore Staffing INC/16490N/-/-/-	Per Diem Adj	-0:49	\$0.00
ASB/-/Jersey Shore Staffing INC/16490N/-/-/-	Per Diem Adj	-0:16	\$0.00

Exhibit B



lorraine russell <jerseyshorenursinginc@gmail.com>

Kiara Nazaire

1 message

Kuzin Gennady <gkuzin@sbhny.org>

Wed, Mar 27, 2024 at 8:39 AM

To: lorraine russell <jerseyshorenursinginc@gmail.com>

Good morning Lorraine.

As per our conversation on Thursday March 21, I am confirming the termination of Ms. Nazaire due to her inability to fulfill her hours obligation to SBH.

Thank you,

Henry Kuzin RN MBA CNOR

Director of Perioperative Services

SBH Health System

4422 Third Avenue

Bronx, New York 10457